

COHEN & GREEN

May 12, 2022

Hon. P. Kevin Castel
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 21-cv-10839, Margolies v City of New York, et al.

Dear Judge Castel:

My firm, along with Gideon Oliver, represents Plaintiff in the case named above. Consistent with the Court's Individual Practices, we write in response to the Court's Order at Dkt. No. 21. While Plaintiff had intended to convey she did not intend to amend the complaint in response to the motion proposed, given the Court's Order, we are submitting a proposed amendment — and because of the simplicity of that amendment, a proposed amended complaint is included herewith.

With that said, we do want to emphasize again that Defendants' latest letter seems to reflect counsel totally refusing to meaningfully engage with either the complaint or the "text of the curfew order" — which, using a mandatory "shall," "explicitly required" a dispersal order before any arrest. *In re N.Y.C. Policing During Summer 2020 Demonstrations*, No. 20-cv-8924 (CM)(GWG), 2021 U.S. Dist. LEXIS 128437, at *46-47 (S.D.N.Y. July 9, 2021) ("*In re Policing*"). That said, the details of that refusal may change in the next round of letters (or perhaps an answer) — Defendants may choose to actually explain how they think, for example, they get to ignore that the complaint specifies that no orders to disperse was given. But that is for another day at this point.

For now, Plaintiff asks the Court's permission to amend as shown in the attached proposed complaint, which adds a handful of allegations explaining that the policy of arresting protest support workers like legal observers came from the top of the NYPD.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by ECF.